

## **EXHIBIT 22**

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**From:** GRAY, KERWIN L (Legal) [KG4575@att.com]  
**Sent:** Wednesday, October 07, 2009 6:11 PM  
**To:** Karnick, Jerome  
**Subject:** 3G Coverage Ad

Jerry,

With a number a football fans on the staff, we couldn't help noticing the commercial that Verizon ran claiming to have greater coverage than AT&T. We have checked our coverage in Bronxville, NY, and more particularly at Concordia College. AT&T covers 100% of Bronxville, including all of Concordia College with 3G service. The character in the ad using an iPhone and representing an AT&T customer shakes his head and expresses obvious disappointment because of a lack of coverage. Since, in fact, that character would have 3G coverage at that location, the ad is literally false.

Moreover, Verizon parsed AT&T's coverage map in such a way as to make it misleading. All of AT&T's 3G devices operate both on the 2.5G EDGE network and the HSPA 3G network. While I generally try to avoid citing the law to knowledgeable colleagues such as yourself, an advertiser is responsible for all reasonable interpretations of an ad. By parsing out the 2.5G coverage that is depicted on AT&T's coverage maps, you have created the false impression that customers get no coverage (data or voice) when outside the 3G footprint. The false impression Verizon has created is so obvious, I doubt that survey evidence will even be necessary to convince a court.

If the television ad were not deceptive enough, the radio ad is more so. The ad describes how Verizon keeps customers in the loop on social networking sites, helps them make "plans on the go" and concludes with the punch line that if you have a friend who is "with the number two wireless carrier and want to know why she is out of touch....". This ad is deceptive on all counts for the following reasons:

1. 2.5G is quite adequate for most social networking activities.
2. Voice, texting and email for making plans on the go is every bit as good on 2.5G as it is on 3G.
3. And obviously the 2.5G network is more than adequate for staying in touch verbally, by text, and by email with one's friends, so one's friends are not out of touch when outside the 3G coverage area.

Verizon's ads falsely suggest to consumers that if an AT&T customer is out of a 3G coverage area, no coverage and thus no communications ability is available. Simply put, it is literally false to state that an AT&T customer is "out of touch" if not in a 3G area.

AT&T obviously cannot sit idle while Verizon is disparaging its reputation with these false ads. Please provide your assurance by the close of business Friday, that these deceptive ads will be withdrawn or modified to be accurate.

Kerwin L. Gray

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